

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Docket No. 015222.00210

REMARKS

Claims 1-55 are pending. Claims 1-55 stand rejected.

Typographical Errors

The Applicant has amended claim 18 to replace "a stimulus" with "the stimulus" because a proper antecedent basis is established.

Claims Rejections - 35 U.S.C. §101

Claims 17-24 and 32-43 are rejected by the Office Action under 35 U.S.C. § 101 because the claimed invention is alleged to be directed to non-statutory subject matter. Regarding claims 17 and 32, the Office Action alleges that "logic" may be directed to "traditional transistor type logic" or to "the assertion, assumptions, and operations that define what a program does." The Applicant has amended claim 17 to clarify what is being claimed by including computer physical structure. For example, as amended, "system" is clarified as a "computer system" that includes "a processor" and "a memory that stores programming information under control of the processor." As amended, claim 17 pertains to "a machine" that is "concrete thing, consisting of parts or of a certain devices and combinations of devices." (MPEP § 2106, paragraph IV.B.2(a).) Similarly, the Applicant has amended claim 32 as "a computer system" that includes a "processor" and "a memory that stores programming information under control of the processor." Claims 33-37 depend from claim 32 and thus include statutory subject matter for at least the above reasons. Thus, the Applicant requests reconsideration of claims 17 and 32-37.

Regarding claims 38-43, the Office Action alleges that the claims are directed to a computer per se and that the software is not embedded on any type of tangible medium." The Applicant has amended claim 38 as a "computer-readable medium that supports an interface for providing a computer implemented training session" that includes "displaying a navigation bar", "positioning a first frame for displaying an image presentation", "depicting a first text box for displaying multiple choice questions relating to the presentation", "illustrating a second frame for displaying a transcript of the training session including the questions selected from the first text box and answers generated based on the questions", and "displaying a second text box for

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Docket No. 05222.00210

illustrating comments entered by the user during the training session and for displaying assumptions and information on how to validate the assumptions." Claim 38, as amended, includes statutory subject matter. Claims 39-43 depend from claim 38 and include statutory subject matter for at least the above reasons. Thus, the Applicant requests reconsideration of claims 38-43.

Regarding claims 18-24, the Office Action alleges that "the claimed method does not apply, involve, use, or advance the technological arts." The Applicant has amended claim 18 to include the feature of "presenting a first portion of the stimulus to a user, the stimulus being associated with a training objective of the training session" and "providing feedback to the user adapted to identify how the user's reaction was based on the assumption, the feedback being associated with the training objective of the training session." (Emphasis added.) In order for a computer-related process to be statutory subject matter, "the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts." (MPEP § 2106, paragraph IV.B.2.b.ii.) Moreover, "A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result." (MPEP § 2106, paragraph IV.B.2.b.ii.) As admitted by the Office Action, the recited steps present information to the user, obtains responses (reactions) from the user, record the responses (reactions), and present more information to the user in the form of feedback. As stated, the process is clearly concrete and tangible. Moreover, the Applicant has amended claim 18 to include "the stimulus being associated with a training objective of the training session" and "the feedback being associated with the training objective of the training session" in order to better clarify the useful result of the claimed invention. Thus, the claimed method is concrete, tangible, and useful and thus includes statutory subject matter. Moreover, claims 19-24 depend from claim 18 and include statutory subject matter for the above reasons. The Applicant requests reconsideration of claims 18-24.

Claims Rejections – 35 U.S.C. §112

Claims 1-17 are rejected by the Office Action under 35 U.S.C. 112, second paragraph. The Office Action further alleges that "the limitation 'wherein the computer implemented training session shows the user to validate assumptions. This limitation is unclear. This limitation has been grouped with the step of outputting feedback to the user, but does not appear to actually

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Docket No. 05222.00210

be related to the feedback.” Regarding claim 1, the Applicant has amended claim 1 to include the feature of “outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions” so that the feature is related to the feedback in order to clarify what is being claimed. For example, the present specification discloses (Paragraph 89):

The virtual coach may give the user feedback on the options that they chose throughout the scenarios and prompt the user of the necessity to validate the assumptions that were made. The virtual coach then prompts the learner to practice validating their assumptions in part two of the training, namely 'Validation'.

The above feature is definite and is in accordance with 35 U.S.C. 112 second paragraph. Similarly, the Applicant has amended claim 9 to include “a code segment for outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions.” Also, the Applicant has amended claim 17 to include “logic for outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions.” Also, claims 2-8 and 10-16 depend from claims 1 and 9. Thus, the Applicant requests reconsideration of claims 1-17.

Claims 25-31 are rejected by the Office Action under 35 U.S.C. § 112, second paragraph. Regarding claim 25, the Office Action refers to the preamble reciting “A computer program embodied on a computer readable medium for providing a computer implemented training session ... the training session comprising:”. To clarify what is being claimed, the Applicant has amended claim 25 to include the preamble reciting, “A computer program embodied on a computer readable medium for providing a computer implemented training session for identifying a user's assumptions in light of a reaction to a stimulus, the computer program comprising:”. Claims 26-31 depend from claim 25. Thus, the Applicant is requesting reconsideration of claims 25-31.

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Docket No. 015222.30210

Double Patenting

The Office Action rejects claims 1 and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 20 of U.S. 6,736,642. The Applicant is filing a terminal disclaimer in a separate paper. Thus, the Applicant is requesting reconsideration of claims 1 and 9.

Claims Rejections – 35 U.S.C. §102

Claims 1-3, 6, 8-11, 14, 16, and 17 are rejected by the Office Action under 35 U.S.C. 102(b) as being anticipated by U.S. 5,616,033 (Kerwin). Regarding claim 1, the claim includes the features of “allowing the user to enter assumptions that form a basis of the responses”, and “outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions.” (Emphasis added.) The Office Action alleges that Kerwin teaches an educational system that “allows the user to enter an assumption that forms that [the] basis for the response and ways to validate the assumption (the user enters a narrative response).” It appears that the Office Action is relating the “narrative response” to “an assumption.” For example, referring to FIG. 2A, Kerwin shows steps 23 (Trainee prepares and records narrative solution). However, other than possibly recording the narrative, Kerwin does not teach or even suggest any further interaction with the trainee that utilizes the entered narrative as per step 23. For example, step 29 (Discussion) and step 32 (Explanation) do not utilize the entered narrative from step 23 in any way. Hence, the entered narrative (assumptions) has no relationship to any responses from the trainee or to any feedback to the trainee.

Similarly, claim 9 includes “a code segment for allowing the user to enter assumptions that form a basis of the responses” and “a code segment for outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions.” Also, claim 17 includes “logic for allowing the user to enter assumptions that form a basis of the responses” and “logic for outputting feedback based

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No 10/806,983
Attorney Ecket No. 005222.00210

on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions." Moreover, claims 2-3, 6, 11, 10-11, 14, and 16 depend from claims 1 and 9. Thus, claims 2-3, 6, 8-11, 14, 16, and 17 are not anticipated for at least the above reasons. The Applicant requests reconsideration of claims 2-3, 6, 8-11, 14, 16, and 17.

Claims rejections - 35 U.S.C. §103

Claims 4, 5, 12, and 13 are rejected the Office Action under 35 U.S.C. 103(a) as being unpatentable over Kerwin in view of US 6,155,840 (Sallette). Claims 4, 5, 12, and 13 of the present application depend from independent claims 1 and 9. Referring to claim 1, as discussed above, Kerwin does not teach at least the features of "allowing the user to enter assumptions that form a basis of the responses" and "outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions." Claim 9 has been similarly amended. Moreover, neither Sallette nor the combination of Kerwin and Sallette teaches or even suggests these features. The Applicant requests reconsideration of claims 4, 5, 12, and 13.

Claims 7 and 15 are rejected by the Office Action as being unpatentable over Kerwin in view of US 5,791,907 (Ramshaw). Claims 7 and 15 depend from independent claims 1 and 9. Referring to claims 1 and 9, as discussed above, Kerwin does not teach the features of "allowing the user to enter assumptions that form a basis of the responses" and "outputting feedback based on the stimuli and responses, wherein the feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions and is associated with prompting the user of a necessity to validate the assumptions." Moreover neither Ramshaw nor the combination of Kerwin and Ramshaw teaches or even suggests these features. The Applicant requests reconsideration of claims 7 and 15.

Claims 38-55 are rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over Sallette in view of US 6,091,930 (Mortimer). Regarding claim 38, the Applicant has amended the claim to include the features of "illustrating a second frame for displaying a transcript of the training session including the questions selected from the first text

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Docket No. 015222.00210

box and answers generated by a user based on the questions" and "displaying a second text box for illustrating comments entered by the user during the training session and for displaying assumptions and information on how to validate the assumptions, wherein the assumptions form a basis of the answers." (Emphasis added.) For example, the amendment is supported by the present specification (Paragraph 11):

A system, method and article of manufacture are disclosed which implement a training session for training a user to validate assumptions. First, a plurality of stimuli are presented to a user in the context of a simulation. The user is then prompted to enter responses to the stimuli which are subsequently recorded. The user is then allowed to enter assumptions that form a basis of the responses. Next, the user is prompted to enter information on how to validate the assumptions which is subsequently received. Feedback is then outputted based on the stimuli and responses. Such feedback relates to appropriate assumptions and information on how to validate the appropriate assumptions. As an option, the feedback may be further based on a number of assumptions entered.

As admitted by the Office Action, "Sallette does not specifically teach 'a second text for illustrating comments entered by the user during the training session'". The Office Action further alleges (Page 8, second paragraph):

Mortimer teaches a customizable interactive textbook used for the presentation of material in an educational environment. This includes a notes module, which is described in col. 17: 46+ with particular attention to col. 18: 25-29. The notes section including assumptions and information on how to validate the assumptions is equated to col. 18: 43-59.

While the cited teaching of Mortimer may teach the entering of notes by a student, Mortimer does not teach or even suggest "displaying assumptions and information on how to validate the assumptions, wherein the assumptions form a basis of the answers." Mortimer appears to teach interaction from a professor to a student but does not teach any interaction from the student to the professor. The teachings of Mortimer do not even suggest generating answers because there is no communication path from the student to the professor. Thus, claim 18 is patentable over Sallette and Mortimer.

Similarly, the Applicant has amended claim 44 to include the features of "illustrating a second frame for displaying a transcript of the training session including the questions selected from the first text box and answers generated by a user based on the questions" and "displaying a

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Locket No. 015222.00210

second text box for illustrating comments entered by the user during the training session and for displaying assumptions and information on how to validate the assumptions, wherein the assumptions form a basis of the answers." Also, the Applicant has amended claim 50 to include the features of "a code segment for illustrating a second frame for displaying a transcript of the training session including the questions selected from the first text box and answers generated by a user based on the questions" and "a code segment for displaying a second text box for illustrating comments entered by the user during the training session and for displaying assumptions and information on how to validate the assumptions, wherein the assumptions form a basis of the answers." Moreover, claims 39-43, 45-49, and 51-55 depend from claims 38, 44, and 50 and are patentable for at least the above reasons. Thus, the Applicant requests reconsideration of claims 38-55.

Amendment Dated 11/30/04
Response to Office Action Dated 08/31/04

Application No. 10/806,983
Attorney Docket No. 005222.00210

CONCLUSION

The Applicant respectfully requests that the Examiner consider the amendments for allowance of the claims.

Respectfully submitted,

Date: November 30, 2004

By: Kenneth F. Smolk
Kenneth F. Smolk
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312 463-5000
Facsimile: 312 463-5001

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKewed/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.